

Bill as
Introduced

HB 1435-FN - AS INTRODUCED

2010 SESSION

10-2455

10/01

HOUSE BILL ***1435-FN***

AN ACT relative to the practitioner-patient relationship in the dispensing of prescriptions.

SPONSORS: Rep. Case, Rock 1; Rep. Wendelboe, Belk 1; Rep. Bulis, Graf 1; Rep. Donovan, Sull 4; Rep. Mann, Rock 1; Sen. Carson, Dist 14

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill requires that prescriptions submitted using an electronic or on-line medical history form establish a valid practitioner-patient relationship. A violation is a misdemeanor.

This bill was requested by the pharmacy board.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the practitioner-patient relationship in the dispensing of prescriptions.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Pharmacists. Amend RSA 318:1 by inserting after paragraph XV the
2 following new paragraph:

3 XV-a. "Practitioner-patient relationship" means a medical connection between a licensed
4 practitioner and a patient that includes an in-person exam, a history, a diagnosis, a treatment plan
5 appropriate for the licensee's scope of practice, and documentation of all prescription drugs including
6 name and dosage. A licensee may prescribe for a patient ^{with} whom the licensee does not have a
7 practitioner-patient relationship under the following circumstances: for a patient of another licensee
8 for whom the prescriber is taking call; for a patient examined by another New Hampshire licensed
9 practitioner; or for medication on a short-term basis for a new patient prior to the patient's first
10 appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner
11 licensed in another state who is consulting to a New Hampshire licensed practitioner with whom the
12 patient has a relationship.

13 2 Prescriptions; Fraud or Deceit. Amend RSA 318:52-a to read as follows:

14 318:52-a Fraud or Deceit. It is unlawful to obtain or attempt to obtain a drug or device sold by
15 ^{prescription} of a physician, dentist, veterinarian, or advanced practice registered nurse that bears a
16 statement that it is to be dispensed or sold only by or on the prescription of a physician, dentist,
17 veterinarian, or advanced practice registered nurse by:

18 [(a)] I. Fraud, deceit, misrepresentation or subterfuge;

19 [(b)-by] II. The forgery or alteration of a prescription or of any written order;

20 [ex-(e)-by] III. The concealment of a material fact;

21 [ex-(d)] IV. The use of a false name or the giving of a false address[-]; or

22 V. *Submission of an electronic or on-line medical history form that fails to*
23 *establish a valid practitioner-patient relationship.*

24 3 Effective Date. This act shall take effect January 1, 2011.

LBAO
10-2455
11/19/09

HB 1435-FN - FISCAL NOTE

AN ACT relative to the practitioner-patient relationship in the dispensing of prescriptions.

FISCAL IMPACT:

The Judicial Branch, Judicial Council, Department of Justice, and the New Hampshire Association of Counties state this bill may increase state and county expenditures by an indeterminable amount in FY 2011 and each year thereafter. This bill will have no fiscal impact on local expenditures or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill would make unlawful the submission of an electronic or on-line medical history form that fails to establish a valid practitioner-patient relationship in obtaining a drug or device by prescription. The offense would be an unspecified misdemeanor if committed by a natural person and a felony if committed by any other person. The Branch is unable to estimate how many charges will be brought, but does, however, have information on the average cost of processing a misdemeanor charge in the trial courts. Misdemeanor charges can be either class A or class B, and the Branch assumes that charges brought pursuant to this bill will be class B misdemeanors. The cost to the Branch to process an average class B misdemeanor charges is \$36.89 in FY 2010 and beyond, without consideration of any salary increases or decreases that may occur. These numbers also do not consider the cost of any appeals that may be taken following trial in any such case. With respect to felony charges the Branch has no information on which to estimate how many new felonies will be brought as a result of this bill, but the cost of an average routine felony case is \$335.98 in FY 2010 and beyond, without consideration of any salary increases or decreases that may occur. These numbers also do not consider the cost of any appeals that may be taken following trial. The exact fiscal impact cannot be determined at this time.

The Judicial Council states this bill may result in an indeterminable increase in general fund expenditures. The Council states if an individual is found to be indigent, the flat fee of \$275 per misdemeanor is charged by a public defender or contract attorney. If an assigned counsel attorney is used the fee is \$60 per hour with a cap of \$1,400 for a misdemeanor charge. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney and assigned counsel rates for Supreme Court appeals is \$2,000 per case,

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10-2455
11/19/09

with many assigned counsel attorneys seeking permission to exceed the fee cap. Requests to exceed the fee cap are seldom granted. Finally, expenditures would increase if services other than counsel are requested and approved by the court during the defense of a case or during an appeal. The exact fiscal impact cannot be determined at this time.

The Department of Justice states criminal violations under this bill would be prosecuted by the county or local prosecutor. There would be some fiscal impact to the Department in instances when an appeal would be taken to the Supreme Court from a prosecution. Because it is difficult to estimate how many cases would be generated, or if any of these cases would be appealed to the Supreme Court, the Department is unable to determine a fiscal impact at this time.

The New Hampshire Association of Counties states to the extent an individual is convicted, and sentenced to incarceration, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be detained or incarcerated as a result of this bill. The average cost to incarcerate an individual in a county facility is \$35,342 a year.

The New Hampshire Board of Medicine states this bill would have no fiscal impact on the Board.

HB 1435-FN - AS AMENDED BY THE HOUSE

03Feb2010... 0259h

2010 SESSION

10-2455
10/01

HOUSE BILL ***1435-FN***

AN ACT relative to the practitioner-patient relationship in the dispensing of prescriptions.

SPONSORS: Rep. Case, Rock 1; Rep. Wendelboe, Belk 1; Rep. Bulis, Graf 1; Rep. Donovan, Sull 4; Rep. Mann, Rock 1; Sen. Carson, Dist 14

COMMITTEE: Health, Human Services and Elderly Affairs

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6 including name and dosage. A practitioner may prescribe for a patient whom the practitioner does
7 not have a practitioner-patient relationship under the following circumstances: for a patient of
8 another practitioner for whom the prescriber is taking call; for a patient examined by another New
9 Hampshire licensed practitioner; or for medication on a short-term basis for a new patient prior to
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16 statement that it is to be dispensed or sold only by or on the prescription of a physician, dentist,
17 veterinarian, or advanced practice registered nurse by:

18 ~~[(a)]~~ I. Fraud, deceit, misrepresentation or subterfuge;

19 ~~[(b)-by]~~ II. The forgery or alteration of a prescription or of any written order;

20 ~~[or (e)-by]~~ III. The concealment of a material fact;

21 ~~[or (d)]~~ IV. The use of a false name or the giving of a false address[-]; or

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The New Hampshire Board of Medicine states this bill would have no fiscal impact on the Board.

Amendments

Rep. Case, Rock. 1
January 22, 2010
2010-0259h
10/05

Amendment to HB 1435-FN

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Paragraph; Pharmacists and Pharmacies; Definition Added. Amend RSA 318:1 by
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13 to a practitioner licensed in another state who is consulting to a New Hampshire licensed
14 practitioner with whom the patient has a relationship.

Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 1435-FN

BILL TITLE: relative to the practitioner-patient relationship in the dispensing of prescriptions.

DATE: January 20, 2010

LOB ROOM: 205 **Time Public Hearing Called to Order:** 1:04 PM

Time Adjourned: 1:40 PM

(please circle if present)

Committee Members: Reps. Rosenwald, Donovan, French, Schulze, Tilton, Butcher, Bridgham, E. Merrick, C. Russell, DiPentima, Miller, Batula, C. McMahon, Pilliod, Emerson, Case, Millham, Wells, Cebrowski and Kotowski.

Bill Sponsors: Reps. Case, Rock 1; Wendelboe, Belk 1; Bulis, Graf 1; Donovan, Sull 4; Mann, Rock 1; Sen. Carson, Dist 14

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Representative Frank Case, prime sponsor – supports.** See written testimony. The person doing the prescribing must have a relationship with the patient. Physician's Assistant was omitted, it should have been included. A medical history form must be exhibited establishing a patient practitioner relationship.

Representative Fran Wendelboe, co sponsor – supports. Change line 22 to a check off box. The bill needs a little bit of work. Who is at fault the person obtaining the drug or the person filling the prescription?

Janet Monahan, NH Medical Society – supports with changes. Section 1 line 5 needs to be rewritten. The Board of Pharmacy needs this bill; it covers all kinds of practitioners. This is an attempt to curb internet prescribing.

Respectfully submitted,

Rep. Joan Schulze
Representative Joan Schulze, Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 1435-FN

BILL TITLE: relative to the practitioner-patient relationship in the dispensing of prescriptions.

DATE: 1/20/2010

LOB ROOM: 205

Time Public Hearing Called to Order: 1:04 PM

Time Adjourned: 1:40 PM

(please circle if present)

Committee Members: Reps. ~~Rosenwald~~, Donovan, ~~French~~, ~~Schulze~~, Tilton, ~~Butcher~~, ~~Bridgham~~, E. Merrick, T. ~~Russell~~, DiPentima, Miller, ~~Batula~~, C. ~~McMahon~~, Pilliod, ~~Emerson~~, Case, Millham, ~~Wells~~, ~~Cebrowski~~ and ~~Kotowski~~.

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TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

① Rep. Case - prime sponsor + support. *must*
* The person doing the prescribing ~~should~~ have
a relationship with the patient.
Physician's assistant was omitted - it should have been
included.

A medical history form must be exhibited establishing
a patient/practitioner relationship.

③ Janet Monahan NH Medical Society supports bill with some changes
sec. 1 line 5 needs to be rewritten. The Board of pharmacy needs
this bill - it covers all types of practitioners. This is an attempt to
cut internet-prescribing.

② Rep. Fran Wendelboe co-sponsor
change line 2.2 v. to a check off box. Bill needs
a little bit of work.

Who is at fault person obtaining the drug or
person filling the prescription?

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1435-FN

BILL TITLE: relative to the practitioner-patient relationship in the dispensing of prescriptions.

DATE: March 4, 2010

LOB ROOM: 204 **Time Public Hearing Called to Order:** 10:38 a.m.
Time Adjourned: 10:47 a.m.

(please circle if present)

Committee Members: Reps. Shurtleff, Pantelakos, Berube, Robertson, Movsesian, Burridge, Cushine, Rodd, Chandler, B. McCarthy, M. Ryder, Welch, Charron, Fresh, Weare, Stevens, Villeneuve, Gagne, Swinford and Willette.

Bill Sponsors: Rep. Case, Rock 1; Rep. Wendelboe, Belk 1; Rep. Bulis, Graf 1; Rep. Donovan Sull 4; Rep. Mann, Rock 1; Sen. Carson, Dist 14

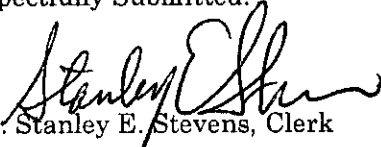
TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Case - Prime Sponsor.

Jay Queenan - N. H. Board of Pharmacy

Respectfully Submitted:


Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1435-FN

BILL TITLE: relative to the practitioner-patient relationship in the dispensing of prescriptions.

DATE: 3/4/10

LOB ROOM: 204 **Time Public Hearing Called to Order:**

Time Adjourned:

(please circle if present)

Committee Members: Reps. Shurtleff, Pantelakos, Berube, Robertson, Movsesian, Burrige, Cushing, Rodd, Chandley, B. McCarthy, M. Ryder, Welch, Charron, Fesh, Weare, Stevens, Villeneuve, Gagne, Swinford and Willette.

Bill Sponsors: Rep. Case, Rock 1; Rep. Wendelboe, Belk 1; Rep. Bulis, Graf 1; Rep. Donovan Sull 4; Rep. Mann, Rock 1; Sen. Carson, Dist 14

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 1435 FN

4 Mar 2010

Start : 1038
Finish : 1047

Rep. Case

Prime Sponsor

Jay Queenan

NH Board of Pharmacy

Testimony

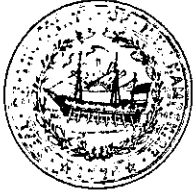
Good Afternoon Madam Chairman and Members of the Committee:

My name is Frank Case, I represent Rockingham District #1, Candia, Deerfield, Northwood and Nottingham.

HB-1435 allows the Board of Pharmacy to make rules to provide for two bills passed by this committee. One bill was the "e-prescribing bill" which allowed MD to send orders directly to a chosen pharmacy via their computers. The other bill spelled out services that are needed to establish a practitioner/patient relationship.

On Page 1 line 22 to 23 ,you can see the new rule established to be able to enforce this legislation

I would hope that you will look favorably on this bill, so the Board of Pharmacy can enforce this stature.



**THE STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY**

57 Regional Drive
Concord, NH 03301-8518
(603) 271-2350

TDD Access: Relay NH 1-800-735-2964

FAX (603) 271-2856

www.state.nh.us/pharmacy/

File HB1435

Rep. Case



January 20, 2010

Representative C. Rosenwald
Chair
Health, Human Services and Elderly Affairs Committee
New Hampshire House of Representatives
101 Wellington Street
Nashua, NH 03064-1616

RE: HB 1435

Dear Madam Chair and Committee Members:

The hearing on HB 1435 was scheduled at the same time as the NH Board of Pharmacy's regular monthly meeting; therefore, we do not have anyone available to attend the public hearing. Please do not interpret our absence as indifference, as a Board we are committed to this legislation.

The Board of Pharmacy needs this legislation because last year an identical bill passed in RSA 318-B, but covered only controlled drugs. This bill corrects the oversight in not including non controlled drugs. The purpose of this bill is to regulate both classes of drugs equally.

The New Hampshire Board of Pharmacy requested that Rep. Frank Case and other concerned legislators sponsor this bill. This legislation is essential in carrying out our mission: to promote, preserve, and protect the health, safety, and welfare of the citizens of New Hampshire by fostering the provision of quality pharmaceutical care.

Thank you for your time and consideration of this legislative change. I will make myself available for questions at a later time.

Respectfully Submitted on Behalf of the Board,

Ronald L. Petrin, R.Ph
President
NH Board of Pharmacy

NEW HAMPSHIRE RSA 318, AS AMENDED

- (b) That the applicant has sufficient land, buildings, and such security equipment so as to properly carry on the business described in his application.
- III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.
- IV. Any person licensed pursuant to this section is subject to the provisions of RSA 318:29.

Source 1985, 324:15. 1989, 258:3, eff. July 1, 1989.

A 318:52 Hypodermics

[Repealed 1971, 135:2, eff. July 20, 1971.]

A 318:52-a Fraud or Deceit

It is unlawful to obtain or attempt to obtain a drug or device sold by prescription of a physician, dentist, veterinarian, or advanced registered nurse practitioner that bears a statement that it is to be dispensed or sold only by or on the prescription of a physician, dentist, veterinarian, or advanced registered nurse practitioner by

- (a) fraud, deceit, misrepresentation or subterfuge;
- (b) by the forgery or alteration of a prescription or of any written order; or
- (c) by the concealment of a material fact; or
- (d) the use of a false name or the giving of a false address.

Source 1965, 275:1. 1994, 333:13, eff. Jan. 1, 1995.

A 318:52-b Destruction of Used Instruments in Health Care Facilities

It shall be unlawful for any possessor of a hypodermic syringe, needle, or any instrument adapted for the administration of controlled drugs, in health care facilities, to dispose of or discard any such instrument in any manner other than that provided in this section. Disposables which can cause injury, such as needles or syringes with

Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 1435-FN

BILL TITLE: relative to the practitioner-patient relationship in the dispensing of prescriptions.

DATE: January 26, 2010

LOB ROOM: 205

Amendments:

Sponsor: Rep. F. Case OLS Document #: 2010 0259h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. F. Case

Seconded by Rep. A. Millham

Vote: 17-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. F. Case

Seconded by Rep. P. Wells

Vote: 16-2 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Joan H. Schulze, Clerk

Rep. Joan H. Schulze

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 1435-FN

BILL TITLE: relative to the practitioner-patient relationship in the dispensing of prescriptions.

DATE: 1/26/2010

LOB ROOM: 205

Amendments:

Sponsor: Rep. Case OLS Document #: 0259h
Sponsor: Rep. Millham OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.)

(1) Moved by Rep. Case
Seconded by Rep. Millham
Vote: 17-1 (Please attach record of roll call vote.)

Motions: OTP, (OTP/A) ITL, Interim Study (Please circle one.)

(2) Moved by Rep. Case
Seconded by Rep. Wells
Vote: 16-2 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

16-2 Regular

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Joan H. Schulze, Clerk

(2)

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: HB1435 Title: relative to the practitioner-patient relationship in the dispensing of prescriptions

PH Date: 1 / 20 / 10 Exec Session Date: 11 26 2010

Motion: OTPEA Amendment #: 0259R

MEMBER	YEAS	NAYS
Rosenwald, Cindy, Chairman	16	
Donovan, Thomas E, V Chairman	1	
French, Barbara C	2	
Schulze, Joan H, Clerk	3	
Tilton, Joy K	4	
Butcher, Suzanne S	1	- 1
Bridgham, Robert G	5	
Merrick, Evalyn S	-	
Russell, Trinkia T	6	
DiPentima, Rich T	7	
Miller, Kate W	8	
Batula, Peter L	9	
McMahon, Charles E	10	
Pilliod, James P	1	2
Emerson, Susan	11	
Case, Frank G	12	
Millham, Alida I	13	
Wells, Roger G	14	
Cebrowski, John W	15	
Kotowski, Frank R	16	
	16	2

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1435-FN

BILL TITLE: relative to the practitioner-patient relationship in the dispensing of prescriptions.

DATE: March 5, 2010

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Stanley E. Stevens

Seconded by Rep. Laura C. Pantelakos

Vote: 15-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

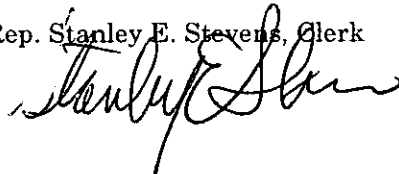
CONSENT CALENDAR VOTE: 15-2

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1435-FN

BILL TITLE: relative to the practitioner-patient relationship in the dispensing of prescriptions.

DATE: 3/4/10

LOB ROOM: 204

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP/OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. STEVENS

Seconded by Rep. PANTELAKOS

Vote: 15-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-2

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB 1435 Title: relative to practitioner-patient relationship in the dispensing of prescriptions
 PH Date: 3, 4, 10 Exec Session Date: 3, 4, 10

Motion: OTP Amendment #: _____

MEMBER	YEAS	NAYS
Shurtleff, Stephen J, Chairman	✓	
Pantelakos, Laura C, V Chairman	✓	
Berube, Roger R		
Robertson, Timothy N	✓	
Movsesian, Lori A	✓	
Burrige, Delmar D	✓	
Cushing, Robert R		✓
Rodd, Beth		✓
Chandley, Shannon E	✓	
McCarthy, Barbara A		
Ryder, Mark R	✓	
Welch, David A	✓	
Charron, Gene P	✓	
Fesh, Robert M		
Weare, Everett A	✓	
Stevens, Stanley E, Clerk	✓	
Villeneuve, Moe	✓	
Gagne, Larry G	✓	
Swinford, Elaine B	✓	
Villette, Robert F	✓	
	15	2
TOTAL VOTE:		

Committee Report

REGULAR CALENDAR

February 3, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on HEALTH, HUMAN SERVICES &

ELDERLY AFFAIRS to which was referred HB1435-FN,

AN ACT relative to the practitioner-patient relationship

in the dispensing of prescriptions. Having considered

the same, report the same with the following

amendment, and the recommendation that the bill

OUGHT TO PASS WITH AMENDMENT.

Rep. Frank G Case

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS
Bill Number:	HB1435-FN
Title:	relative to the practitioner-patient relationship in the dispensing of prescriptions.
Date:	January 26, 2010
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill's purpose is to help cut down on internet drug shopping for prescription drugs that are subject to abuse but are not considered controlled substances. It does so by determining that an online evaluation of a self-reported medical condition is not a valid basis for prescribing. This bill adds the phrase "Submission of an electronic or on-line medical history from that fails to establish a valid practitioner-patient relationship," which will give the Board of Pharmacy the authority to charge the pharmacist or pharmacy with fraud.

Vote 16-2.

Rep. Frank G Case
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

HB1435-FN, relative to the practitioner-patient relationship in the dispensing of prescriptions.
OUGHT TO PASS WITH AMENDMENT.

Rep. Frank G Case for HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS. This bill's purpose is to help cut down on internet drug shopping for prescription drugs that are subject to abuse but are not considered controlled substances. It does so by determining that an online evaluation of a self-reported medical condition is not a valid basis for prescribing. This bill adds the phrase "Submission of an electronic or on-line medical history from that fails to establish a valid practitioner-patient relationship," which will give the Board of Pharmacy the authority to charge the pharmacist or pharmacy with fraud.

Vote 16-2.

Original: House Clerk
Cc: Committee Bill File

This bill's purpose is to help cut down on internet drug shopping for prescription drugs that are subject to abuse but are not considered controlled substances. It does so by determining that an online evaluation of a self-reported medical condition is not a valid basis for prescribing. This bill adds the phrase "Submission of an electronic or on-line medical history from that fails to establish a valid practitioner-patient relationship," which will give the Board of Pharmacy the authority to charge the pharmacist or pharmacy with fraud.



COMMITTEE REPORT

Rep Case

COMMITTEE: #H51E

BILL NUMBER: HB 1435 FN

TITLE: Relative to the practitioner - patient relationship in the dispensing of prescriptions

DATE: 1-26-2010 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
<u>0259 H</u>

STATEMENT OF INTENT:

~~HB 1435~~ a bill to update of Board of Pharmacy Rules
 This bill adding the phrase - "Submission of an electronic or on-line medical history from that file to establish a valid practitioner - patient relationship";
 which ~~will~~ ^{will} give the Board of Pharmacy the authority to charge the pharmacist a pharmacy with the charge of Fraudulent Activity.
 The bill's ~~also~~ purpose is to help cut down on internet drug shopping for prescription drugs that are subject to abuse but are not considered controlled substances. It does so by ~~making~~ determining that an online evaluation of a self-reported medical condition is not a valid basis for prescribing.

COMMITTEE VOTE: 16 - 2

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Frank Love
For the Committee

CR

CONSENT CALENDAR

March 5, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB1435-FN,

AN ACT relative to the practitioner-patient relationship in the dispensing of prescriptions. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Stanley E Stevens

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB1435-FN
Title:	relative to the practitioner-patient relationship in the dispensing of prescriptions.
Date:	March 5, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The committee agreed that the penalty portion of this bill was reasonable for the offense.

Vote 15-2.

Rep. Stanley E Stevens
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB1435-FN, relative to the practitioner-patient relationship in the dispensing of prescriptions.
OUGHT TO PASS.

Rep. Stanley E Stevens for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. The committee agreed that the penalty portion of this bill was reasonable for the offense. **Vote 15-2.**

Original: House Clerk
Cc: Committee Bill File

Criminal Justice

HB 1435-FN relative to the practitioner-patient relationship in the dispensing of prescriptions.

The committee agreed that the penalty portion of this bill was reasonable for the offense.

Rep. Stanley E. Stevens for the Committee

A handwritten signature, likely of Stanley E. Stevens, enclosed in a hand-drawn oval. The signature is stylized and difficult to read precisely, but appears to contain the letters 'S', 'E', and 'S'.

COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: HB 1435-FN

TITLE: Relative to the practitioner-patient relationship in the dispensing of prescriptions

DATE: 3-4-10 CONSENT CALENDAR YES NO

OUGHT TO PASS

OUGHT TO PASS WITH AMENDMENT

INEXPEDIENT TO LEGISLATE

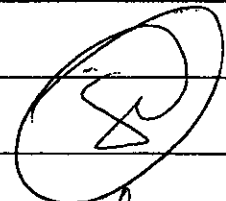
RE-REFER

REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

**STATEMENT OF INTENT
(Include Committee Vote)**

The Committee agreed that the penalty portion of this bill was reasonable for the offense

Vote. 15-2



Rep. Stanley E. Stevens
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT